

Notice of Allowability

Application No.

10/773,992

Examiner

Robert J. Sandy

Applicant(s)

VIDAL, MICHAEL A.

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the reply filed on 5/27/05 and phone interview of 8/2/2005.
2. ☒ The allowed claim(s) is/are 14 and 22-28.
3. ☒ The drawings filed on 06 February 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20050804.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Robert J. Sandy
Primary Examiner
Art Unit: 3677

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Denton L. Anderson (Reg. No. 30,153) on 02 August 2005.

The application has been amended as follows:

In the claim(s);

Claim 14 has been amended as follows:

14. (Currently Amended) A hand-held instrument comprising;

a business end;

a handle attached to the business end, the handle having a gripping portion and a

longitudinal axis, a thumb spur being provided at the gripping portion of the handle, the

thumb spur being disposed such that it projects away from the handle in a direction

transverse to the longitudinal axis of the handle; and a chrysalis comprising a sheet of

flexible material, the chrysalis being wrapped entirely around the gripping portion of the

handle and being secured to the handle by the thumb spur, wherein the sheet of flexible

material is sufficiently large such that the hand of a user gripping the handle of the

instrument touches only the chrysalis and the thumb spur.

Claims 1-9 and 15-21 been canceled.

Claims 1-9 and 15-20 have been accordingly canceled since these claims were to drawn to a non-elected species without traverse.

EXAMINER'S COMMENT

Claims 14 and 22-28 are allowed over the prior art of record.


In combination with Applicant's amendment filed 27 May 2005 and the Examiner's amendment set forth herein, the claim rejections under 35 U.S.C. 102(b) indicated in the Office action each have been withdrawn. The objection to the specification indicated in the prior Office action has been withdrawn in view of applicant's amendment to the specification.

The currently amended claim 14 further defines the claimed hand-held instrument to further require that the chrysalis is wrapped entirely around the gripping portion of the handle and such that the chrysalis is a sheet of flexible material that is sufficiently large for a hand of a user gripping the handle of the instrument touches only the chrysalis the thumb spur.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Sandy whose telephone number is 571-272-7073. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


ROBERT J. SANDY
PRIMARY EXAMINER

Robert J. Sandy
Primary Examiner
Art Unit 3677